

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WALTER LEE ROBERTS,

Plaintiff,

v.

CAPTAIN COREY KING, *et al.*,

Defendants.

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No. 5:19-cv-00462-MTT-CHW

ORDER OF DISMISSAL

Plaintiff Walter Lee Roberts, a prisoner in the Crawford County Sheriff's Department in Roberta, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 and a motion for leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). Compl., ECF No. 1; Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2. Thereafter, Plaintiff's motion to proceed *in forma pauperis* was granted, and Plaintiff filed a number of supplements to his complaint, letters to the Court, exhibits, and motions. In light of all of these filings, Plaintiff was ordered to file a recast complaint consolidating all of his claims into one document. Order, ECF No. 56. Plaintiff was given twenty-one days to file his recast complaint and was cautioned that his failure to do so could result in the dismissal of this action. *Id.* at 5-6.

Thereafter, Plaintiff did not file a recast complaint within the allotted time. As a result, Plaintiff was ordered to show cause why this case should not be dismissed for failure to recast his complaint, as previously ordered. Order to Show Cause, ECF No. 59. Plaintiff was again given twenty-one days to respond and was cautioned that his failure to

do so would result in the dismissal of this action. *Id.*

More than twenty-one days have now passed since the order to show cause was entered, and Plaintiff has not responded to that order. Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute his case, it is hereby **ORDERED** that Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 8th day of June, 2020.

s/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT